

OTHER AGENCIES

NEW JERSEY MEADOWLANDS COMMISSION

Proposed Readoption: N.J.A.C. 19:6

Authorized By: New Jersey Meadowlands Commission, Robert R.

Ceberio, Secretary

Authority: N.J.S.A. 13:17-1 et seq., specifically 13:17- 6(i).

Calendar Reference: See Summary below for explanation of exception to
calendar requirement.

Proposal Number: PRN 2007-159

A public hearing on this matter will be held on Tuesday, June 19, 2007 at
10:00 A.M. at the following location:

New Jersey Meadowlands Commission
Two DeKorte Park Plaza
Lyndhurst, NJ 07071

Submit written comments by July 20, 2007 to:

Ileana Kafrouni, P.P., AICP
Director of Land Use Management
New Jersey Meadowlands Commission
One DeKorte Park Plaza
Lyndhurst, NJ 07071

The agency proposal follows:

Summary

Pursuant to Executive Order No. 66 (1978) and N.J.S.A. 52:14B-5.1,
the New Jersey Meadowlands Commission (NJMC) proposes to readopt

without amendments N.J.A.C. 19:6, Building Code, which will expire on June 6, 2008, pursuant to N.J.S.A. 52:14B-5-1c.

The NJMC has reviewed the current chapter and determined that it remains necessary, reasonable, adequate, efficient, understandable and responsive for the purpose for which it was originally promulgated. The readoption is an administrative measure and no amendments are proposed.

N.J.A.C. 19:6 consists of the Agency's "Building Code." The following summarizes this chapter:

N.J.A.C. 19:6-1.1, Authority, states that the rules contained in this chapter were adopted pursuant to the Interagency Agreement between the New Jersey Department of Community Affairs (NJ DCA) and the NJMC dated February 27, 1991 and last amended March 10, 2003, and the Commission's statutory authority contained in N.J.S.A. 13:17-1 et seq.

N.J.A.C. 19:6-1.2, NJMC responsibility, states that the NJMC, acting as the agent for the NJ DCA within the District, is responsible for approval of plans, ensuring compliance with the New Jersey Uniform Construction Code (NJ UCC) and for enforcement, as outlined in this chapter.

N.J.A.C. 19:6-1.3, Enforcement, provides that it is the responsibility of the NJMC to review and approve plans within the Hackensack Meadowlands District, and the responsibility of the municipal construction official to enforce the NJ UCC. In addition, it sets forth the

licenses that the staff of the NJMC must hold in order to carry out its responsibilities.

N.J.A.C. 19:6-1.4, Fees, refers to the fee schedule established at N.J.A.C. 19:4-11.4. In addition, this section provides that, if the NJMC enters into an agreement with a municipality to perform required inspections, in addition to the plan review, then the NJMC is entitled to collect 100 percent of the fees. In such cases, 20 percent of these fees, exclusive of plan review fees, are returned to the municipality to cover administrative costs.

N.J.A.C. 19:6-1.5, Violations and penalties, indicates that the penalty procedures will be in accordance with District rules and the NJ UCC. However, penalties will be those specified by the NJ UCC.

N.J.A.C. 19:6-1.6, Hackensack Meadowlands District uniform procedure, provides the procedure governing the interaction between the NJMC and the municipal construction officials of the 14 constituent municipalities.

N.J.A.C. 19:6-1.7, Certificates of occupancy, requires that no certificate of occupancy may be issued by a municipal construction official until a certification by the NJMC that a final inspection was performed and that such occupancy complies with the approved plans. It also states that, if the municipality fails to issue a permit, the NJMC, upon NJ DCA's authorization, may issue the permit.

N.J.A.C. 19:6-1.8, Appeals, states that an appeal of a decision made by the NJMC while acting as agent for the NJ DCA is made directly to the NJ DCA. If the appeal is made on a matter related to construction plan review, then the appeal is made to the NJMC in accordance with the procedures established in N.J.A.C. 19:4-4.19. Finally, any appeal of a municipal decision within the District would be handled in accordance with the procedures established by the NJ UCC.

N.J.A.C. 19:6-1.9, Severability, provides that, if for any reason a section of the rules is invalidated, the remaining sections remain in full effect.

N.J.A.C. 19:6-1.10, NJMC statutory authority, states that nothing in this chapter shall be construed to affect the statutory authority of the NJMC.

N.J.A.C. 19:6-2.1, Scope, states that this chapter may be cited as the “foundation supplement” and that the provisions of the chapter shall control.

N.J.A.C. 19:6-2.2, Foundations; generally, regulates the construction of foundations throughout the District.

N.J.A.C. 19:6-2.3, Depth of foundations, regulates the minimum depth below grade of footings and pile caps.

N.J.A.C. 19:6-2.4, Foundations at different levels, sets forth guidelines for foundations that may be constructed at differing ground

levels and the interaction of differing pressures under these footing elevation changes.

N.J.A.C. 19:6-2.5, Slabs on grade, regulates slabs on grade and settlement as they pertain to adjacent buildings.

N.J.A.C. 19:6-2.6, Construction, controls the construction of foundations in cold and freezing weather, seepage and control of ground water in excavated areas.

N.J.A.C. 19:6-2.7, Soil investigations; general, regulates soils investigation and test boring requirements throughout the District.

N.J.A.C. 19:6-2.8, Boring, sets forth the requirements for test borings. It goes into detail regarding the number of borings required, location of said test borings, foundations that rest on rock, required depth of test borings and how the data that has been derived from these borings shall be reported.

N.J.A.C. 19:6-2.9, Test pits, regulates the use of and acceptability of test pits.

N.J.A.C. 19:6-2.10, Probings (or auger borings), sets forth regulations and acceptable requirements of probings (or auger borings).

N.J.A.C. 19:6-2.11, Boring methods, describes the methods to be used when performing a test boring(s).

N.J.A.C. 19:6-2.12, Probing and geophysical explorations, sets forth the allowable use of probing and geophysical explorations in conjunction with test borings.

N.J.A.C. 19:6-2.13, Existing borings, regulates the use and acceptability of existing on-site borings.

N.J.A.C. 19:6-2.14, Foundation loads, governs foundation loads, allowable and required soil bearing pressures, and capacities with reference to footings, columns, piers, walls, etc.

N.J.A.C. 19:6-2.15, Pile reactions, explains and governs pile reactions pertaining to certain soils conditions.

N.J.A.C. 19:6-2.16, Lateral loads, regulates lateral loads from earth and ground water, wind, and soil movement with reference to retaining walls and foundation walls.

N.J.A.C. 19:6-2.17, Eccentricities, regulates the forces of eccentricities, including loading of retaining walls.

N.J.A.C. 19:6-2.18, Uplift forces, explains consideration of uplift forces due to hydrostatic pressure.

N.J.A.C. 19:6-2.19, Impact, regulates when impact forces may be neglected, based upon the effects of impact forces and loads on certain foundations.

N.J.A.C. 19:6-2.20, Stability, refer to N.J.A.C. 19:6-2.58 and 2.59, which discuss underpinning and use of rock support in lieu of underpinning, respectively.

N.J.A.C. 19:6-2.21, Classifications, regulates the allowable soil bearing pressures and classification of soil materials.

N.J.A.C. 19:6-2.22, Satisfactory bearing material, classifies satisfactory bearing material, such as hard sound, medium hard, etc.

N.J.A.C. 19:6-2.23, Nominally unsatisfactory bearing material, classifies nominally unsatisfactory bearing material.

N.J.A.C. 19:6-2.24, Allowable soil bearing pressures, classifies and regulates allowable soil-bearing pressures.

N.J.A.C. 19:6-2.25, Bearing capacity of nominally unsatisfactory bearing materials, regulates and classifies bearing capacity of nominally-unsatisfactory bearing materials, such as controlled fills, uncontrolled fills, and organic silts.

N.J.A.C. 19:6-2.26, Utility services, regulates the placement of utility services and lines in certain types of soil conditions.

N.J.A.C. 19:6-2.27 through 2.30, Footings; Foundation piers; Foundation walls; and Construction of footings, foundation piers and foundation walls, regulate and specifically govern the construction of footings, foundation piers and foundation walls.

N.J.A.C. 19:6-2.31 through 2.38, Pile foundations; general requirements; Minimum pile penetrations; Use of existing piles at demolished structures; Tolerances and modifications of design due to field conditions; Minimum spacing of piles; Minimum section; Capping and bracing of piles; and Splicing of piles, regulate and specifically govern, the construction of pile foundations.

N.J.A.C. 19:6-2.39, General requirements for installation of piles, regulates the general requirements for pile installation, specifically with regard to protection of property and the pile itself during driving and protection of pile material after installation.

N.J.A.C. 19:6-2.40, Use of uncased concrete pile shafts, prohibits the use of uncased concrete piles.

N.J.A.C. 19:6-2.41, governs the situation where more than one type of pile, pile capacity, or method of pile installation is used in the construction of one structure.

N.J.A.C. 19:6-2.42, Pile foundations, is a technical section that regulates the allowable compressive strength for pile materials.

N.J.A.C. 19:6-2.43 and 2.44, Allowable lateral load and Uplift capacity, set forth technical requirements that control and regulate allowable axial loads on piles, pile capacities as structural members, allowable bearing pressures on soil strata, load test procedures and uplift capacity.

N.J.A.C. 19:6-2.45 through 2.47, Pile driving operations; Equipment; and Procedures, set forth technical requirements that govern the pile driving equipment used in the pile driving process. This includes hammer, cushion or cap block, followers, driving resistance, and hammer energy specifications.

N.J.A.C. 19:6-2.48 through 2.56, Pile types; specific requirements; Timber piles; Precast concrete piles (including prestressed sections); Cast-in-place concrete piles; Compacted concrete piles; Steel H sections; Concrete-filled pipe piles; Caisson piles; and Composite piles, contain specific requirements for different types of piles.

N.J.A.C. 19:6-2.57 and 2.58, Underpinning and Use of rock support in lieu of underpinning, regulate underpinning and bracing of adjacent structures and the materials and methods to be used when underpinning is required.

N.J.A.C. 19:6-2.59 and 2.60, Stability and Factor of safety, regulates the stability design of buildings, including the minimum required factor of safety for overturning and sliding.

N.J.A.C. 19:6-2.61, Boring operations, regulates the inspection and boring report requirements of the boring operation.

N.J.A.C. 19:6-2.62, Piling, regulates the inspection of the installation of all piling.

N.J.A.C. 19:6-2.63, Subgrade for footings, foundation piers and foundation walls, regulates the inspection of soil materials underlying all footings, foundation piers and foundation walls.

N.J.A.C. 19:6-2.64, Constructions required for or affecting the support of adjacent properties or buildings, regulates the approval and inspection of underpinning, caissons, bracing or other construction required for the support of adjacent properties or buildings.

N.J.A.C. 19:6-2.65, National standards for foundations, lists the reference standards for foundation engineering.

Based on the above, N.J.A.C. 19:6 is being readopted without amendments. The NJMC believes that the current text is sufficient at this time to carry out the responsibilities of the Commission. As the NJMC has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirements, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The readoption of N.J.A.C. 19:6 will allow the NJMC to continue to enforce the State's Construction Code, thereby providing for the orderly and comprehensive development of the Hackensack Meadowlands District and maintaining public health and safety. In the absence of this readoption, the NJMC will not be able to enforce the State's Building

Code, which would compromise public health and safety and may encourage illegal construction activities.

Economic Impact

The readoption of the rules in N.J.A.C. 19:6 is required to maintain the economy in the Meadowlands District. In the absence of this readoption, the NJMC will not be able to enforce the State's Building Code, which would halt or delay construction activities, and therefore, negatively impact the economy of the Meadowlands District.

The rules proposed for readoption do not impact existing fees or the percentage of the building permit fee charged by the NJMC for purposes of plan review. Fees are referenced in N.J.A.C. 19:6-1.5. However, the fees charged by the NJMC for plan review are in accordance with N.J.A.C. 19:4-11.4. In accordance with the UCC, the fee for plan review is 20 percent of the fee for a construction permit. While the NJMC does not collect a construction permit fee, it must calculate what the total construction permit fee would be in order to then collect 20 percent of that value. Therefore, in order to calculate the fee for plan review, the NJMC first calculates a construction permit fee using the construction permit fees outlined in N.J.A.C.19:4-11.4(c). No change to the fee schedule is proposed in this readoption.

Any fine imposed as a result of a violation of the provisions of this chapter are in accordance with the NJ UCC and are established by the NJ DCA.

The NJ UCC, and more specifically, the 2006 International Code Council (New Jersey Edition), contains basic foundation requirements. The NJMC and all municipalities in the State have the latitude to better define codes and standards addressing foundation requirements that deal with specific soil conditions. The NJMC has done this in Subchapter 2. Whether or not these rules existed would likely have no bearing on foundation cost. The cost of a foundation is dependent upon the specific characteristics of the site on which it is built, the design of the building, and the particulars of its occupants.

Federal Standards Statement

The Hackensack Meadowlands District is located within the Federally designated Coastal Zone Management Area for New Jersey (designated in accordance with 15 CFR 923.53(a)(1)). The NJMC acts as the lead coastal planning and management agency for the Meadowlands District under the guidance of the New Jersey Department of Environmental Protection (NJDEP).

The NJMC District Zoning Regulations serve as a regulatory tool for meeting the goals and rules established by the New Jersey Coastal

Management Program. The rules proposed for readoption do not contain any requirements or standards in excess of those imposed under Federal law.

Jobs Impact

The NJMC does not anticipate that any jobs will be created or lost as a result of readoption of N.J.A.C. 19:6, Building Code. The rules require the NJMC to employ licensed personnel to perform the plan review in accordance with N.J.A.C. 19:6-1.3. However, in the absence of the readoption, construction jobs may be negatively impacted by the inability of the NJMC to conduct plan review and, consequently, the inability of the municipality to issue building permits.

Agriculture Industry Impact

The readoption of N.J.A.C. 19:6 will not have an effect on the agriculture industry of the State of New Jersey. The Hackensack Meadowlands District is an area comprised of commercial, industrial, and residential areas.

Regulatory Flexibility Analysis

A portion of the owners and developers of property located within the District may be considered small businesses as defined in the Regulatory

Flexibility Act, N.J.S.A. 52:14B-16 et seq., because some employ less than 100 full-time employees. The rules that are being readopted apply equally to the entire regulated public. No differentiation in record-keeping, reporting or other compliance requirement is made based on business size. Therefore, these rules do impose certain compliance requirements on small businesses.

Chapter 6 contains two subchapters. The compliance requirements contained in each of the two subchapters are different in nature. The rules in Subchapter 1 pertain to the interaction between the NJMC and the construction code officials of the 14 constituent municipalities. The rules are procedural in nature. Plan review fees are calculated regardless of business size and are based on the type of work being done.

Subchapter 2 provides the foundation requirements for buildings in the District, where unique soil conditions dictate the foundation design. Building codes deal with life and safety issues and, therefore, cannot vary their requirements based on the size of the business involved in the application.

In order to comply with the requirements of the rules, an applicant may have to hire a licensed engineer, architect, or contractor. The initial capital costs associated with compliance with the rules vary with project size. From the initial costs associated with the professional's design to the construction permit fee, the size and intricacy of the structure involved

dictate the cost of the project. For example, the cost will be less for the design and permits for a one-family home than they would be for a five-story office building. Since the NJMC is not the property owner or developer, it does not determine what is built on a specific piece of property. There are no set, annual costs resulting from these rules.

The rules are intended to protect the safety and welfare of the regulated public, which includes small businesses. Small businesses are not exempt from any of the requirements of this chapter. Structures must be safe for any possible occupant, regardless of business size of the tenant, the owner, the design professional or the contractor. Based on the nature of the rules, it is impossible to minimize economic impacts on small business by relaxing any rules.

Smart Growth Impact

Although the provisions of the New Jersey State Development and Redevelopment Plan do not apply to the NJMC (pursuant to N.J.S.A. 52:18A-206), the NJMC Master Plan sets forth smart growth principles to guide growth within the Meadowlands District consistent with State policy. The NJMC rules serve as the implementation tool of this policy.

The rules proposed for readoption at N.J.A.C. 19:6 will have a positive impact on the achievement of smart growth in the State of New Jersey by providing for a procedure where basic life and safety concerns

are addressed through enforcement of building codes in an area where existing transportation and utility infrastructure is available.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 19:6.